

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C) .No. 10529 of 2007 (C)

PETITIONER:

S.RAHDAKRISHNAN NAIR, AGED 55 YEARS,
S/O.R.SIVARAMAN PILLAI, KOTTKATH HOUSE,
THITTAMMEL AWARD, CHENGANNUR P.O.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS: 1

1. THE AUTHORISED OFFICER,
CATHOLIC SYRIAN BANK LIMITED,
THRISSUR.
2. THE BRANCH MANAGER,
CATHOLIC SYRIAN BANK LIMITED,
CHENGANNUR.

BY SHRI.B.S.KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.10529 of 2007

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Dated this the 10th day of April, 2007

J U D G M E N T

The petitioner challenges the proceedings initiated by the respondents under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act ("the Act" for short). The respondents are the Authorised Officer of the Catholic Syrian Bank Ltd. and the Branch Manager of the Chengannur Catholic Syrian Bank Ltd. I am of opinion that the Catholic Syrian Bank being only a scheduled bank in which the Government or any other governmental institutions have any share or interest, no writ will issue against the bank unless the writ petition is in respect of a public function. The learned counsel for the petitioner submits that the 1st respondent being an Authorised Officer appointed under the Act, the functions exercised by him

should be considered as public functions. I do not think so. The alleged action of the respondents is in respect of the recovery of the loan amounts given to the petitioner, which action, by any stretch of imagination be considered to be a public function. In any event, it is settled law that the proceedings under the Act has to be challenged before the D.R.T. as provided under the Act itself, and no writ petition can be maintained under Article 226 of the Constitution of India. In the above circumstances, I am not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed without prejudice to the right of the petitioner to file an appeal as provided under the Act.

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Sd/-
S.SIRI JAGAN, JUDGE

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P.A. to Judge.

